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THE SEVERALL PETITIONS AND MESSAGES Of PARLIAMENT,

Concerning the MILITIA of the Kingdom.

With His *Majesties* Answers thereunto.

Together with an Ordinance of Parliament concerning the same.

LONDON:
Printed by ROBERT BARKER, Printer to the Kings most Excellent Majestie: And by the Assignes of JOHN BILL.
MDCXLII.

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TO THE KINGS MOST Excellent MAJESTIE

The humble Petition of the Knights, Citizens, and Burgesses of the Commons House now in Parliament assembled, January 26. 1641.

Humbly sheweth,

THat whereas the Houses of Parliament have received a gracious Message from Your Majestie, dated the twentieth day of this instant *January*, Your Petitioners return to Your Majestie most humble thanks, resolving to take it into speedy and serious consideration. And to inable them with security to discharge their Duties therein, they desired the House of Peers to joyne with them, in humbly beseeching Your Sacred

Majeſtie to raiſe up unto them a ſure ground of ſafety and confidence, by putting the Tower, and other principall Forts of the Kingdom, and the whole *Militia* thereof, into the hands of ſuch Perſons as Your Parliament might confide in, and as ſhould be recommended unto Your Majeſtie by both Houſes of Parliament, that all Fears and Jealouſies being laid aſide, they might with all chearfulneſſe proceed to ſuch Reſolutions, as they hoped would lay a ſure foundation of Honour, Greatneſſe, and Glory to Your Majeſtie, and Your Royall Poſterity, and of Happineſſe and Proſperity unto Your Subjects throughout all Your Dominions. Wherein the Houſe of Peers having refuſed to joyne with Your Petitioners; They notwithſtanding no way diſcouraged, but confiding in Your Majeſties Goodneſſe to Your People, do therefore make their humble addreſſe to Your Majeſtie, to beſeech You, That the Tower of *London*, and other principall Forts, and the whole *Militia* of the Kingdom may be put into the hands of ſuch

perſons

perſons as ſhall be recommended unto Your Maieſtie by Your Petitioners; not doubting but they ſhall receive a gracious and ſpeedy Anſwer to this their humble deſire, without which, in all humane Reaſon, the great diſtractions of this Kingdom muſt needs overwhelm it with miſery and ruine.

And Your Petitioners ſhall ever pray, &c.

HIS MAJESTIES ANSWER

To the Petition of the Commons House,

JANUARY 28. 1641.

HIs Majesty having seriously considered of the Petition presented to Him from the House of Commons, on Wednesday the twentie sixth of this Moneth, Returns this Answer:

That he was in good hope his gracious Message of the twentieth of this Moneth to both Houses, would have produced some such overture, which by offering what is fit on their parts to do, and asking what is proper for his Majestie to grant, might beget a mutuall confidence in each other.

Con-

Concerning the Tower of London, his Majeſtie did not expect, that having preferred a perſon of a known Fortune, and unqueſtionable Reputation to that Truſt, he ſhould be preſſed to remove him, without any particular charge objected againſt him, & therfore returns this Anſwer,

That if upon due examination, any particular ſhall be preſented to his Majeſtie, whereby it may appear, that his Majeſtie was miſtaken in his opinion of this Gentleman, and that he is unfit for the Truſt committed to him, his Majeſtie will make no ſcruple of diſcharging him: But otherwiſe his Majeſtie is obliged in juſtice to himſelf, to preſerve his own work, leſt his favour and good opinion may prove a diſadvantage and misfortune to his ſervants, without any other acculation: Of which his Majeſtie doubts not his Houſe of Commons will be ſo tender (as of a buſineſſe

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wherein His Majesties Honour is so much concerned) that if they finde no materiall exception against this person, they will rather indeavour to satisfie and reform the fears of other men, then by complying with them, presse His Majestie to any resolution which may seem so much to reflect upon his Honour and Justice.

For the Forts and Castles of the Kingdom, His Majestie is resolved that they shall alwayes be in such hands (and only in such) as the Parliament may safely confide in, but the nomination of any persons to those places (being so principall and inseparable a flower of his Crown, vested in Him, and derived unto him from His Ancestors, by the fundamentall Laws of the Kingdom) he will reserve to Himself, in bestowing whereof, as His Majestie will take care that no corrupt or sinister courses shall prevail with Him, so he is willing to declare, That he shall

not

not be induced to expresse that favour so soon to any persons, as to those whose good demeanour shall be eminent to, or to his Parliament. And if he now hath, or shall at any time by mis-information confer such a Trust upon an undeserving person, he is, and will allwayes be ready to leave him to the Wisedom and Justice of his Parliament.

For the Militia of the Kingdom, (which by the Law is subject to no Command but of His Majestie and of Authority lawfully derived from him) whereby any particular Course, for ordering the same (which His Majestie holds very necessary for the peace and security of His Kingdom) shall be considered and digested by his Parliament, and proposed to His Majestie; His Majesty will return such an Answer, as shall be agreeable to his Honour, and the safetie of his People, His Majestie being resolved onely to deny those

things, the granting whereof would alter the fundamentall Laws, and endanger the very foundation, upon which the publike happinesse and welfare of his People is founded and constituted, and would nourish a greater and more destructive Jealousie between the Crown and the Subject, then any of those which would seem to be taken away by such a satisfaction.

And his Majesty doth not doubt, that his having granted more then ever King hath granted, will ever perswade his house of Commons to ask more then ever Subjects have asked. And if they shall acquaint his Majestie with the particular grounds of their Doubts and Fears, he will very willingly apply Remedies proportionable to those Fears; For his Majestie calls God to witnesse, That the preservation of the publike Peace, The Law, And the Liberty of the Subject, is, and shall

alwayes

allwayes be as much his Majesties care and industry, as of his Life, or the lives of his dearest Children.

And therefore His Majestie doth conjure his House of Commons, by all the acts of Justice & Favour they have received from him this Parliament; By their hopes of future happinesse in his Majestie, and in one another; By their Zeale of Religion, and the Peace of this Kingdom (in which that of Ireland cannot be forgotten) That they will not be transported by Jealousies and Apprehensions of possible dangers, to put themselves on his Majestie, into reall and present inconveniencies, but that they will speedily pursue the Way proposed by his Majesties former Message, which in humane Reason is the onely way to compose the Distractions of the Kingdom, and with Gods Blessing will restore a great measure of felicity to King and People.

TO THE KINGS MOST EXCELLENT MAJESTIE,

The humble Petition of the LORDS and COMMONS assembled in Parliament, February 1. 1641.

Most Gracious Soveraign,

THe present Evils and Calamities wherewith Your Kingdoms are most miserably intangled, the imminent dangers which threaten Your Royall Person, and all Your People, have caused us Your most faithfull and obedient Subjects, the Lords and Commons in this present Parliament, with thankfulnesse to entertain, and with all earnestnesse of affection & endeavour to pursue the gracious Proposition & Direction which

which not long ſince we have received from Your Majeſtie: And we have thereupon taken into Our moſt ſerious conſideration the wayes and means of ſecuring the ſafetie of Your Royall Perſon, Preſerving the Honour and Authority of Your Crown, Removing all Jealouſies betwixt Your Majeſtie and Your People, Suppreſſing the Rebellion in *Ireland*, Preventing the Fears and Dangers in this Kingdom, and the miſchievous Deſignes of thoſe who are Enemies to the Peace of it. And that we may with more Comfort and Securitie accompliſh our duties herein, we moſt humbly beſeech your Majeſtie, That you will be pleaſed forthwith to put the tower of *London*, and all other Forts, and the whole *Militia* of the Kingdom, into the hands of ſuch Perſons as ſhall be recommended unto Your Majeſtie by both Houſes of Parliament, which they aſſure themſelves will be a hopefull entrance into thoſe Courſes, which (through Gods bleſſing) ſhall be effectuall for the removing all diffidence and miſ-apprehenſion be-

twixt Your Maieſtie and Your People, and for Eſtabliſhing and Enlarging the Honour, Greatneſſe, and Power of Your Majeſtie and Royall Poſterity, and for the reſtoring and confirming the Peace and Happineſſe of Your loyall Subjects in all Your Dominions.

And to this our moſt neceſſary Petition, we in all humility expect Your Majeſties ſpeedy and gracious Anſwer, the great Diſtractions and Diſtempers of the Kingdom not admitting any delay.

His

His Majesties Answer

To the Petition of the Lords and Commons, delivered Febr. 2. 1641.

His Majestie having well considered of the two severall Petitions, presented unto him on wednesday, the second of this moneth, from both Houses of Parliament, and being desirous to expresse how willing he is to apply a remedie, not onely to your Dangers, but even to your Doubts and Fears; he therefore, to that petition which concerns the Forts and Militia of this Kingdom, returns this answer; That when he shall know the extent of Power which is intended to be

be eſtabliſhed in thoſe perſons, whom you deſire to be the Commanders of the Militia in the ſeverall Counties; And likewiſe to what time it ſhall be limited, that no power ſhall be executed by His Majeſtie alone, without the advice of Parliament;

Then he will declare, That (for the ſecuring you from all Dangers, or Jealouſies of any) His Majeſtie will be content to put in all the places both of Forts and Militia in the ſeverall Counties, ſuch perſons as both the Houſes of Parliament ſhall either approve, or recommend unto him, ſo that you declare before unto His Majeſtie, the names of the perſons whom you approve or recommend: unleſſe ſuch perſons ſhall be named, againſt whom he ſhall have juſt and unqueſtionable exceptions.

An

An Ordinance of both Houses of PARLIAMENT

For the ordering of the Militia of the Kingdom of *England* and Dominion of *Wales.*

WHereas there hath been of late a most dangerous and desperate Designe upon the House of Commons, which we have just cause to beleeve to be an effect of the bloody Counsels of Papists, and other ill-affected persons, who have already raised a Rebellion in the Kingdom of IRELAND: And by reason of many discoveries, we cannot but fear they will proceed, not onely to stir up the like Rebellion and Insurrections in

this Kingdom of *England*, but also to back them with Forces from abroad.

For the safety therefore of His Majesties Person, the Parliament and Kingdom in this time of imminent danger;

It is ordained by the King, the Lords and Commons now in Parliament assembled, that shall have power to assemble and call together all and singular His Majesties Subjects within the County of as well within liberties as without, that are meet and fit for the Wars, and them to train, exercise and put in readinesse, and them after their abilities and faculties well and sufficiently from time to time to cause to be Arrayed and Weaponed, and to take the Muster of them in places most fit for that purpose.

And shall have power within the said County, to nominate and appoint such persons of quality as to him shall seem meet to be his Deputy-Lieutenants, to be approved of by both Houses of Parliament. And that any one or more of the said Deputies

so

ſo aſſigned and approved of, ſhall in the abſence, or by the command of the ſaid have power and authority to do and execute within the County all ſuch powers and authorities before in this preſent Ordinance contained. And ſhall have power to make Colonels and Captains, and other Officers, and to remove out of their places, and make others, from time to time, as he ſhall think fit for that purpoſe. And his Deputies, Colonels, and Captains and other Officers, ſhall have further power and authority to lead, conduct, and imploy the perſons aforeſaid Arrayed and Weaponed, as well within the County of as within any other part of this Realm of *England*, or Dominion of *Wales*, for the ſuppreſſion of all Rebellions, Inſurrections, and Invaſions that may happen, according as they from time to time ſhall receive directions by His Majeſties Authority ſignified unto them by the Lords and Commons aſſembled in Parliament.

And it is further ordained, that such persons as shall not obey in any of the premisses, shall answer their neglect and contempt to the Lords and Commons in a Parliamentary way, and not otherwise, nor elsewhere: And that every the powers granted, as aforesaid, shall continue, untill it shall be otherwise ordered or declared by both Houses of Parliament, and no longer.

This to go also to the Dominion of Wales.

John Brown *Clerk. Parl.*

His

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His Majesties Answer to both Houses concerning the MILITIA.

HIs Majesty having with his best care and understanding perused and considered that which was sent him from both Houses for the ordering of the Militia, presented unto him to be made an Ordinance of Parliament, by the giving of His Royall assent; as He can by no means do it, for the reasons hereafter mentioned, so He doth not conceive himself obliged by any promise made in His Answer of the second of this moneth, to the Petition

on of both Houses to yeeld to the same.

His Majestie finds great cause to except against the Preface or Introduction to that Order, which confesseth a most dangerous and desperate Designe upon the House of Commons of late, supposed to be an effect of the bloody Counsels of Papists, and other ill-affected persons; by which many may understand (looking upon other printed Papers to that purpose) his coming in Person to the House of Commons, on the fourth of January, which begot so unhappy a misunderstanding betweene him and his people: And for that, though he beleeves it, upon the Information since given him, to be an apparant breach of their Priviledge, and hath offered, and is ready to repaire the same for the future, by any Act shall be desired of his Majestie; Yet he must declare and require

quire to be beleeved, That he had no other Deſigne upon that Houſe, or any Member of it, then to require (as he did) the perſons of thoſe five Gentlemen his Majeſty had the day before accuſed of high Treaſon, And to declare that he meant to proceed againſt them legally, and ſpeedily, upon which he beleeved that Houſe would have delivered them up, And his Majeſtie calls the Almightie God to witneſſe, that he was ſo far from any intention or thought of force or violence, although that Houſe had not delivered them according to his Demand, or in any Cale whatſoever, That he gave thoſe his ſervants and others (who then waited on his Majeſty) expreſſe charge and Command, that they ſhould give no offence to any man, Nay if they received any provocation or injury, that they ſhould bear it without Return, And his Majeſty

neither

neither saw or knew that any person of His Train had any other Weapons, but His Pensioners & Guard, those with which they usually attend His Person to Parliament, and the other Gentlemen Swords. And therefore His Majestie doubts not, but His Parliament will be so regardfull of His Honor herein, that He shal not undergo any imputation by the rash or indiscreet expressions of any young men then in His Train, or by any desperate Words uttered by others, who might mingle with them without His Consent or approbation.

For the persons nominated to be Lieutenants of the severall Counties of England and Wales, His Majestie is contented to allow that Recommendation, onely concerning the Citie of London and such other Corporations as by ancient Charters have granted unto them the power of the Militia, His Majestie doth

doth not conceive that it can stand with Justice or Policie to alter their Government in that particular; And His Majestie is willing forthwith to grant every of them (that of London and those other Corporations excepted) such Commissions as he hath done this Parliament to some Lord Lieutenants by your advice. But if that power be not thought enough, but that more shall be thought fit to be granted to these persons named, that by the Law is in the Crown it self, His Majestie holds it reasonable, that the same be by some Law first vested in him, with power to transfer it to these persons, which he will willingly do. And what ever that power shall be, to avoid all future doubts and questions, His Majestie desires it may be digested into an Act of Parliament rather then an Ordinance, so that all His loving Subjects may thereby particularly know,

both what they are to do, and what they are to suffer for their neglect, that there be the least Latitude for his good Subjects to suffer under any arbitrary power whatsoever.

As to the time desired for the continuance of the powers to be granted, His Majestie giveth this Answer, That he cannot consent to devest himself of the just power which God and the Laws of this Kingdom have placed in him for the defence of his people, and to put it into the hands of others for any indefinite time. And since the ground of this Request from his Parliament was to secure their present fears and jealousies, that they might with safety apply themselves to the matter of his Message of the 20. of January, his Majestie hopeth that his Grace to them since that time in yeelding to so many of their desires, and in agreeing to the Persons now recommended to him

by

by his Parliament, and the power before expressed to be placed in them, will wholly wipe away all fears and Jealousies, and assureth them that as his Majestie hath now applied this unusuall remedy to their doubts, so (if there shall be cause) he will continue the same to such time as shall be agreeable to the same case he now expresseth towards them.

And to this Answer his Majestie is so far from receding from any thing he promised or intended to grant in his Answer to the former Petition, that his Majestie hath herein condescended to all was then asked of him by that Petition concerning the Militia of the Kingdom, except that of London, and those other Propositions which was to submit the same into the hands of such persons as should be recommended unto him by both Houses of Parliament. And his Majestie

doubts not, but the Parliament, upon well weighing the particulars of this his Answer, will finde the same more satisfactory to their ends, and the peace and welfare of all his good Subjects, then the way proposed by this intended Ordinance, to which, for these Reasons, his Majestie cannot consent.

And whereas his Majestie observes by the Petition of both Houses, presented to him by the Earl of Portland, Sir Thomas Heale, and Sir William Savile, That in some places, some persons begin already to intermeddle of themselves with the Militia; his Majestie expecteth that his Parliament should examine the particulars thereof, it being a matter of high Consernment, and very great Consequence;

And his Majestie requireth, that if it shall appear to his Parliament, that

that any persons whatsoever have presumed to command the Militia without lawfull Authoritie, they may be proceeded against according to Law.

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A Copie of the *Petition* of both Houses of PARLIAMENT, concerning the *Militia*, &c.

Presented to His MAJESTIE at *Theobalds*, 1° *Martii*, 1641.

Most Gracious Soveraign,

YOur Majesties most loyall and obedient Subjects, the Lords and Commons in Parliament, do finde their just apprehensions of sorrow and fear, in respect of the publike dangers and miseries like to fall upon Your Majestie and the Kingdom, to be much increased upon the receit of Your unexpected denyall of their most humble and necessary Petition, concerning the *Militia* of the Kingdom; especially grieving, that wicked and mischievous Counsellors should still have that power with Your Majestie, as in this time of imminent and approaching Ruine, rather to incline Your Resolutions to that which is apt to further the accomplishment of the desires of the most malignant enemies of Gods

Gods true Religion, and of the peace and safetie of Your Self, and Your Kingdom, then to the dutifull and faithfull Counsell of Your Parliament.

Wherefore they are enforced in all humility to Protest, That if Your Majestie shall persist in that deniall, the dangers and distempers of the Kingdom are such, as will indure no longer delay: But unlesse You shall be graciously pleased to assure them by these Messengers, that You will speedily apply Your Royall Assent to the satisfaction of their former desires, they shall be inforced, for the safety of Your Majestie and Your Kingdoms, to dispose of the *Militia* by the Authority of both Houses, in such manner as hath been propounded to Your Majestie, and they resolve to do it accordingly.

They likewise most humbly beseech your Majestie to beleeve, That the dangerous and desperate Designe upon the House of Commons, mentioned in their Preamble, was not inserted with any intention to cast the least aspersion upon Your Majestie, but therein they reflected upon that malignant party, of whose bloody and malicious practises they have had so often experience, and from which they can never be secure, unlesse Your Majestie will be pleased to put from You those wicked and unfaithfull Counsellors, who interpose their own corrupt and malicious Designes betwixt Your Majesties Goodnesse and Wisdom, and the prosperity and contentment of Your Self, and of Your people: And that for the

the dispatch of the great Affairs of the Kingdom, the safety of Your Person, the protection and comfort of Your Subjects, You will be pleased to continue Your abode neer to *London* and the Parliament, and not to withdraw Your Self to any the remoter parts; which if your Majestie should do, must needs be a cause of great danger and distraction.

That Your Majestie will likewise be graciously pleased to continue the Prince his Highnesse in these parts at St *James*, or anyother of Your houses neer *London*, whereby the designes which the enemies of the Religion and Peace of this Kingdom may have upon his Person, and the jealousies and feares of Your people may be prevented.

And they beseech Your Majestie to be informed by them, That by the Laws of the Kingdom, the power of raising, ordering, and disposing of the *Militia*, within any Citie, Town, or other place, cannot be granted to any Corporation by Charter, or otherwise, without the authoritie and consent of Parliament: And that those parts of the Kingdom which have put themselves in a posture of defence against the common danger, have therein done nothing but according to the Declaration and direction of both Houses, and what is justifiable by the Laws of this Kingdom.

All which their most humble counsell and desires, they pray your Majestie to accept, as the

effect of that Dutie and Allegiance which they owe unto You, and which will not ſuffer them to admit of any thoughts, intentions, or endeavours, but ſuch as are neceſſary and advantagious for Your Majeſties Greatneſſe and Honour, and the ſafetie and proſperitie of the Kingdom, according to that Truſt and Power which the Laws have repoſed in them.

His Majeſties Anſwer to the Petition of both Houſes,

Preſented the firſt of March, 1641.

I Am ſo much amazed at this Meſſage, that I know not what to Anſwer: You ſpeak of Jealouſies and Fears: Lay your hands to your hearts, and ask your ſelves whether I may not likewiſe be diſturbed with Fears and Jealouſies: And if ſo, I aſſure you this Meſſage hath nothing leſſened them.

For the MILITIA, I thought ſo much of it before I ſent that Anſwer, and am ſo much aſſured that the Anſwer is agreeable

agreeable to what in Juſtice or Reaſon you can ask, or I in Honour grant, that I ſhall not alter it in any point.

For my Reſidence neer you, I wiſh it might be ſo ſafe and honourable, that I had no cauſe to abſent my Self from *White-hall*; Ask your ſelves whether I have not.

For my Son, I ſhall take that care of him, which ſhall juſtifie me to God as a Father, and to my Dominions as a King.

To conclude, I aſſure you upon my Honour, that I have no thought but of Peace and Juſtice to my People, which I ſhall by all fair means ſeek to preſerve and maintain, relying upon the Goodneſſe and Providence of God, for the preſervation of my Self and Rights.

FINIS.